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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,360

07/21/2005

Frank-Uwe Sommer

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EXAMINER

KELLER, MICHAEL J

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,360	<b>Applicant(s)</b> SOMMER ET AL.	
	<b>Examiner</b> Michael J. Keller	<b>Art Unit</b> 4136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/17/2004, 07/05/2006, 12/19/2006</u> .                      | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/17/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document. A copy of the foreign patent document DE 198 08 696 has been provided by the examiner, and the IDS has been considered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3-6, 12, 13, 15, 16 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 3 recites the limitation "current feed means" in line 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 4 recites the limitation "the second insert body" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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7. In claim 12, the positive interlocking part is described as being "bayonet shaped" in line 2. The meaning of this term is unclear to the examiner, and has been taken to mean that the part is literally shaped like a bayonet, having a blade on one end and a connecting piece on the other end. Further, it is not readily understood by the examiner how a part which is shaped like a bayonet could be used to attach the traction means to the traction means tightening device. The claim has not been

8. Claim 13 recites the limitation "traction mechanism tensioning means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 15 recites the limitation "said first and second insert bodies" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

10. In claim 19, the cover plate is said to provide "traction relief for the connecting cable". The meaning of the term "traction relief" is unclear to the examiner. Does the cover plate prevent traction between the connecting cable and some other component? Does the cover plate hold the connecting cable in place?

***Claim Rejections - 35 USC § 102***

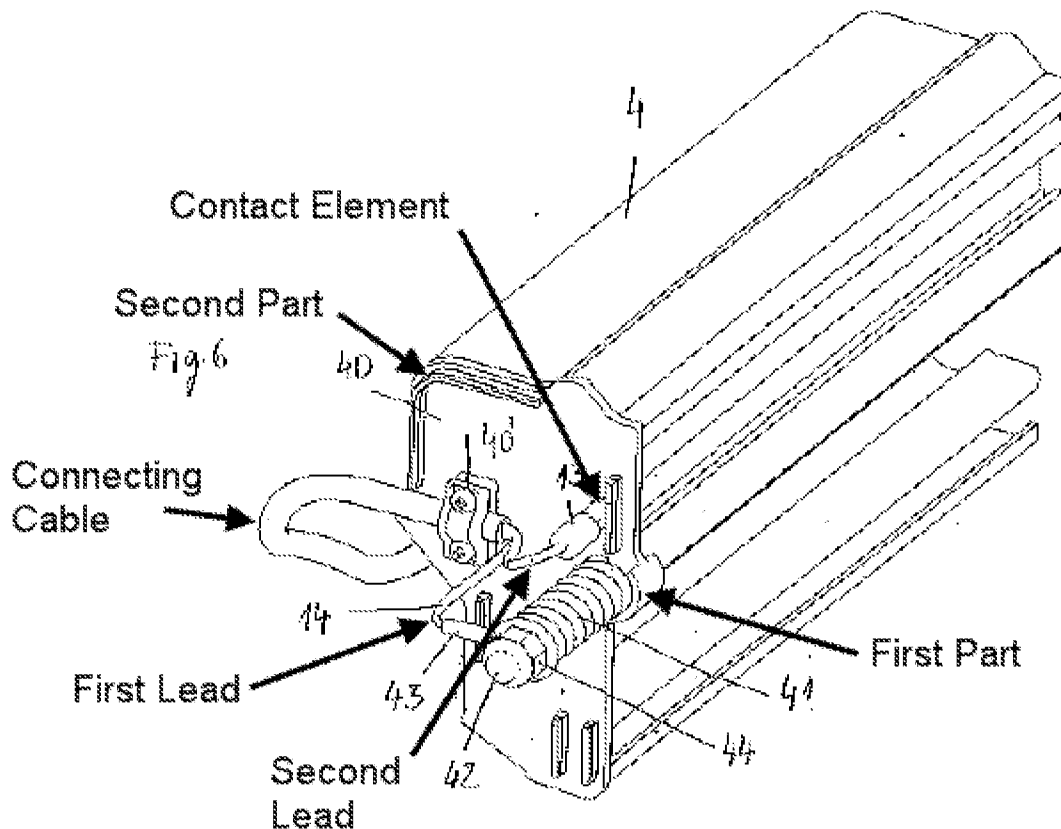
11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 1, 3-5, 7, 8, 11 and 14- 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sommer et al. (DE 198 08 696).** Sommer et al. discloses **[claim 1]** a drive device for a door comprising: a guide device comprising a rail (4,5) extending in a movement direction of the door; a carriage (6) to move along said guide device and comprising an electric motor (21) to cause movement of a door leaf (1), and further comprising a current feed connecting the electric motor with a current source, the current of which is supplied at one end of the guide device (translation page 2 paragraph 1 lines 8-11); wherein said current feed comprises a first insert body (40) to be plugged into an end of the guide device and a connecting cable (see Fig. 6 below), said current feed being arranged to be capable of being used at either end of said guide device (cover 40 is usable on the right and the left; translation page 2 paragraph 7 line 3); **[claim 3]** wherein the current feed comprises said rail and a traction means (35), the traction means to be connected at one end of said rail with a connecting cable using a traction means tightening device (41), and wherein the first insert body further comprises a contact body to contact said rail; **[claim 4]** wherein the first insert body comprises a first part to carry the traction means tightening device, and a second part to

provide an encircling abutment for an end of said rail; **[claim 5]** wherein the first part and the second part are integrally connected together (see Fig. 6 below).



Sommer et al. further discloses **[claim 7]** a drive device for a door, comprising:  
a guide device extending in a movement direction of the door and having two ends (see Fig. 1 below); a carriage (6) that moves along the guide device and comprising an electric motor (21) for causing movement of a door leaf (1), further comprising a current feed to connect the electric motor with a current source, wherein the current feed comprises a traction mechanism (35) and a first insert body (40) to be plugged into the

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guide device, wherein the first insert body includes a traction mechanism tensioning device (41) with a positive interlocking part to lock in place the traction mechanism; **[claim 8]** wherein the first insert body is to be inserted optionally into either end of the guide device (translation page 2 paragraph 7 line 3); **[claim 11]** wherein the traction mechanism comprises a chain (35); **[claim 14]** wherein the guide device comprises a guide rail (4,5) that forms a component of the current feed; **[claim 15]** wherein the first insert body comprises: a first part to carry the traction mechanism tensioning device; and a second part to form an end stop at an end of the guide rail, the second part having an opening to permit accessing an adjustment device (44) of the traction mechanism tensioning device (see Fig. 6 above); **[claim 16]** wherein said adjustment device enables the positive interlocking part of the traction mechanism tensioning device to be adjusted in a longitudinal direction of the guide rail (translation page 2 paragraph 7); **[claim 17]** wherein the first insert body further comprises: a connecting cable; and one or more contact elements to make contact with the guide rail; **[claim 18]** wherein the traction mechanism tensioning device and the traction mechanism are connected to a first lead of the connecting cable (see Fig. 6 above); **[claim 19]** the first insert body further comprising a cover plate (40') to provide traction relief for the connecting cable; **[claim 20]** wherein at least one said contact element is connected to a second lead of the connecting cable (see Fig. 6 above).





movement direction of the door; a carriage (18) to move along said guide device and comprising an electric motor (20) to cause movement of a door leaf (28), and further comprising a current feed connecting the electric motor with a current source, a first insert body (16) to be plugged into an end of the guide device, the insert body being arranged to be capable of being used at either end of said guide device; **[claim 2]** further comprising: a second insert body (16) without a connecting cable, said second insert body having a form corresponding to that of said first insert body so as to be plugged into an end of the guide device into which said first insert body is not plugged; **[claim 6]** wherein the insert body has bores (16a) to be used for fastening said rail.

Kaiser et al. further discloses **[claim 7]** a drive device for a door, comprising: a guide device extending in a movement direction of the door and having two ends; a carriage (18) that moves along the guide device and comprising an electric motor (20) for causing movement of a door leaf (28), further comprising a current feed to connect the electric motor with a current source, and a first insert body (16) to be plugged into the guide device, wherein the first insert body includes a traction mechanism tensioning device (13) with a positive interlocking part to lock in place the traction mechanism (12); **[claim 8]** wherein the first insert body is to be inserted optionally into either end of the guide device (translation page 2 paragraph 7 line 3); **[claim 9]** further comprising a second insert body (16) having a traction mechanism tensioning device (15) with a positive interlocking part to lock into place the traction mechanism; **[claim 10]** wherein the traction mechanism is tensioned between the traction mechanism tensioning devices of the first and second insert bodies at the ends of the guide device; **[claim 11]**

wherein the traction mechanism comprises a chain; **[claim 14]** wherein the guide device comprises a guide rail that forms a component of the current feed.

Kaiser et al. does not disclose a connecting cable at an end of the rail, feeding current to the motor through the rail and the traction means. Sommer et al. discloses a drive device according to claims 1, 3-5, 7, 8, 11 and 14- 20 as set forth above. It would have been obvious to one of ordinary skill in the art at the time of the invention, to provide the drive device of Kaiser et al. with the current feed of Sommer et al. in order to eliminate the need for components 45 and 46 by feeding current through the traction means, thereby reducing the number of parts and manufacturing costs.

15. **Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sommer et al. (DE 198 08 696) in view of Blodgett (U.S. Patent 1,981,026).** Sommer et al. discloses a driving device according to claim 7, as set forth above, but does not disclose that the positive interlocking part of at least one of the traction mechanism tensioning devices comprises a hook. Blodgett discloses a similar driving device wherein a chain is attached at both ends to a hook (page 1 lines 79-84). All the claimed elements were known in the prior art as evidenced above, and one of ordinary skill in the art could have combined the elements as claimed, or substituted one known element for another, using known methods with no change in their respective functions. Such a combination would have yielded predictable results to one of ordinary skill in the art at the time the invention was made, since the elements perform as expected and thus the results would be expected.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Thursday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J. K./  
Examiner, Art Unit 4136  
/Jerry Redman/  
Primary Examiner, Art Unit 3634